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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

\* \* \* \* \*

TRUSTEES OF THE EMPLOYEE PAINTERS' TRUST; TRUSTEES OF THE OREGON AND SOUTHWEST WASHINGTON PAINTERS PENSION TRUST FUND; TRUSTEES OF THE WALL AND CEILING INDUSTRY PROMOTION FUND OF OREGON AND SOUTHWEST WASHINGTON; TRUSTEES OF THE OREGON AND SOUTHWEST WASHINGTON DRYWALL APPRENTICESHIP AND TRAINING TRUST FUND; and INTERNATIONAL UNION OF PAINTERS AND ALLIED TRADES DISTRICT COUNCIL NO. 5,

Plaintiffs,

vs.

ACOUSTICAL TILE SYSTEMS, INC., an Oregon corporation; DEVIN E. PRIAULX, individually; JAMIE PRIAULX, individually; DOES I-X, inclusive; ROE ENTITIES I-X, inclusive,

Defendants.

) CASE NO.: 2:17-cv-00993-RSL  
) STIPULATION AND ORDER TO  
) CHANGE VENUE TO UNITED  
) STATES DISTRICT COURT,  
) DISTRICT OF OREGON; FILE A  
) SECOND AMENDED COMPLAINT;  
) AND ACCEPT SERVICE OF THE  
) SECOND AMENDED COMPLAINT

23 Stipulation and Order

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THE URBAN LAW FIRM  
AND  
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1           The Plaintiffs, Trustees of the Employee Painters' Trust, Trustees of the Oregon and  
2 Southwest Washington Painters Pension Trust Fund, Trustees of the Wall and Ceiling Industry  
3 Promotion Fund of Oregon and Southwest Washington, Trustees of The Oregon and Southwest  
4 Washington Drywall Apprenticeship and Training Trust Fund, and International Union of  
5 Painters and Allied Trades District Council No. 5 (hereafter collectively "Plaintiffs"), acting by  
6 and through their Counsel, Christensen James & Martin and The Urban Law Firm, and the  
7 Defendants, Acoustical Tile Systems, Inc., Devin E. Priaulx and Jamie Priaulx (hereafter  
8 collectively "Defendants"), acting by and through their Counsel, Rick VanCleave, Esq.,  
9 stipulate and agree as follows:

- 10           1. On June 30, 2017, the Plaintiffs filed their Summons and Complaint against the  
11 Defendants in the United States District Court, Western District of Washington at Seattle  
12 [ECF No. 1]. On July 21<sup>st</sup> and July 24<sup>th</sup>, 2017, Defendants were effectively served with  
13 the Summons and Complaint [ECF Nos. 5 and 6].  
14           2. On July 28, 2017, the Plaintiffs filed their First Amended Complaint [ECF No. 7].  
15           3. The Plaintiffs would now like to amend the First Amended Complaint to change the date  
16 of the audit period to reflect the correct date of such. As such, this is the proposed  
17 change made to the Amended Complaint:  
18           a. Paragraph 15: "Acoustical submitted to a payroll and compliance audit for the  
19 time period of July 1, 2012 through June 30, 2013, to evaluate and determine the  
20 work performed and obligations due to the Trusts ("Audit")." **Proposed change:**  
21           "Acoustical submitted to a payroll and compliance audit for the time period of  
22

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1                   July 1, 2012 through June 30, 2014, to evaluate and determine the work  
2                   performed and obligations due to the Trusts ("Audit").

- 3                  4. A copy of the Proposed Second Amended Complaint is attached hereto.  
4                  5. The Defendants' attorney has agreed to accept service of the proposed Second  
5                   Amended Complaint.  
6                  6. In addition, Plaintiffs and Defendants have agreed that venue should be transferred to  
7                   the United States District Court, District of Oregon, since that is where a majority of the  
8                   witnesses reside.

9 Therefore, the Parties Stipulate and request an Order be entered as to the following:

- 10                 1. The Plaintiffs are permitted to file a Second Amended Complaint with the change  
11                   stated above and which is attached hereto;  
12                 2. The Plaintiffs shall have ten days from the date the Order is signed to file the Second  
13                   Amended Complaint;  
14                 3. The Defendants' attorney shall accept service of the Second Amended Complaint;  
15                   and

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4. This case shall be transferred to the United States District Court, District of Oregon, within fourteen (14) days of the date of this Court's Order.

Dated this 11th day of September, 2017.

VAN CLEAVE & COBRAIN, PC

CHRISTENSEN JAMES & MARTIN

*/s/ Richard N. VanCleave*  
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## ORDER

IT IS SO ORDERED.

Dated this 2 day of September, 2017.

United States District Judge [or United States Magistrate Judge]

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## Stipulation and Order

THE URBAN LAW FIRM

AND

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1 Presented by:  
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